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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, DECEMBER 16, 1998

APPLICATION OF

BELL ATLANTIC-VIRGINIA, INC.

CASE NO. PUC960164

For exemption from physical  
collocation

ORDER INVITING COMMENTS

On December 27, 1996, Bell Atlantic-Virginia, Inc. ("BA-VA") filed an application, pursuant to § 251(c)(6) of the Telecommunications Act of 1996, 47 U.S.C. § 251(c)(6) ("the Act") requesting that it be exempted from the requirement of providing physical collocation in two of its central offices, Herndon and Pentagon. On January 14, 1997, MFS Communications Company, Inc. ("MFS") filed its opposition to BA-VA's application. MFS requested that the application be dismissed for BA-VA's failure to submit evidence supporting its claim or, in the alternative, that the matter be set for hearing.

On April 16, 1997, BA-VA supplemented its application to add a third central office, the Lewinsville office. On May 21, 1997, WorldCom, Inc. ("WorldCom"), having acquired MFS, filed its opposition to exemption of the Lewinsville central office. WorldCom requested that the application be dismissed for BA-VA's

failure to submit evidence or, in the alternative, that the matter be set for hearing.

On August 28, 1998, BA-VA filed its second supplemental application requesting exemption for six additional central offices, Centreville, Crystal City, Dulles Corner, Fox Mill Road, Lake Fairfax, and Sterling. This application brought to nine the total number of central offices for which BA-VA seeks exemption. Oppositions to the applications to all nine central offices were filed September 18, 1998, on behalf of xDSL Networks, Inc. ("xDSL"), Focal Communications Corporation of Virginia ("Focal"), NorthPoint Communications of Virginia, Inc. ("NorthPoint"), and Starpower Communications LLC ("Starpower"), requesting that the applications for exemptions be dismissed for BA-VA's failure to submit evidence or, in the alternative, that the matter be set for hearing.

On October 23, 1998, AT&T Communications of Virginia, Inc. ("AT&T") filed a response in opposition to BA-VA's supplemental application. AT&T claims that BA-VA has failed to submit any credible evidence to support its assertion that collocation is not practical at the six additional central offices, and further claims the application is inconsistent with the requirements of the Act. AT&T states that the Commission should deny BA-VA's supplemental application.

Section 251(c)(6) requires an incumbent local exchange carrier ("ILEC") to provide physical collocation at its premises to a requesting telecommunication carrier except an ILEC "may provide for virtual collocation if the local exchange carrier demonstrates to the State commission that physical collocation is not practical for technical reasons or because of space limitations." (Underline added.) Under the Act, the responsibility to determine whether to grant an ILEC an exemption from providing physical collocation was given to the States. Further, the Federal Communications Commission ("FCC"), In the matter of implementation of the Local Competition Provisions in the Telecommunications Act of 1996, First Report and Order, CC Docket No. 96-98, 11 FCC Rcd. 15499 (August 8, 1996) ("Interconnection Order"), addressed physical collocation requirements. The Interconnection Order states that an ILEC would be exempted from physical collocation only where it can "demonstrate to the State commission's satisfaction that there are space limitations on the ILEC premises or that technical considerations make collocation impractical." The Interconnection Order requires ILECs to provide detailed floor plans to State commissions and also says that exemption issues are best handled on a case-by-case basis. Id. at ¶ 602.

The Commission recognizes the criteria for demonstrating space limitations or technical impracticability are not obvious.

ILECs and competitive local exchange carriers ("CLECs") have different views of the quantity and quality of evidence that must be shown. However, the Commission believes establishing a minimum level of supporting documentation to be furnished by the ILEC at the time of the request is necessary for the Commission to perform its obligation under the Act. Hence, before the Commission proceeds with evaluating BA-VA's specific exemption requests it will invite comments from all interested persons concerning the proposed documentation standards shown in Attachment A for an ILEC to demonstrate that physical collocation is not practical for technical reasons or because of space limitations, pursuant to § 251(c)(6) of the Act.

The Commission also requests comments on whether it should adopt any other procedural requirements related to an ILEC's request for physical collocation exemption. The Commission is particularly interested in comments regarding (1) the timing of an ILEC's exemption request (i.e., at time of a CLEC request or when an ILEC is aware space is unavailable); (2) whether the Commission can establish a presumption of unavailability of space if no party opposes an ILEC's request; (3) whether the Commission should adopt a time limitation (e.g., one year) on any granted request which could be subject to subsequent filing requirements and/or review; and (4) whether interested parties

(i.e., potential collocators) should be allowed to inspect the premise for which an ILEC has claimed that space is unavailable.

The Commission is mindful that any requirements adopted in this proceeding may also have an impact on ILECs other than BA-VA. Therefore, other ILECs should take note of the issues raised in this order and file any comments which they deem appropriate. Accordingly,

IT IS THEREFORE ORDERED THAT:

(1) All interested parties may file comments, requests for hearing, or both concerning the issues identified in this Order (including Attachment A) and shall submit them to the Clerk's Office on or before January 18, 1999, referring to Case No. PUC960164.

(2) BA-VA shall furnish a copy of its requests for exemption from physical collocation requirements to any person requesting a copy. Requests should be addressed to BA-VA's attorney, Warner F. Brundage, Jr., Vice President, General Counsel and Secretary, Bell Atlantic-Virginia, Inc., 600 East Main Street, 11th Floor, Richmond, Virginia 23219.

VIRGINIA STATE CORPORATION COMMISSION

**Request for Physical Collocation Exemption  
Proposed Filing/Documentation Requirements**

1. Any request submitted by the incumbent local exchange carrier ("ILEC") for an exemption of physical collocation should specifically identify the premise for which the exemption is requested and the criteria for which the request is made, i.e., space limitation and/or technical reason.
2. At minimum, the floor plans/diagrams the ILEC submits should be clearly labeled and identify the following:
  - (a) Equipment in use and its function if not readily identifiable from label on equipment
  - (b) Equipment being phased out
  - (c) Equipment not in use and/or stored equipment
  - (d) Administrative and other nonequipment space
  - (e) Space reserved by the ILEC for future use
    - (1) within six months
    - (2) after six months, within two years
    - (3) after two years
  - (f) Collocation space in use
  - (g) Collocation space reserved for future use
    - (1) within six months
    - (2) after six months
3. For any equipment identified under 2(b) above the LEC shall provide the expected retirement date(s) of such equipment.
4. For any space reserved for future use under 2(e) the ILEC shall include the date(s) space was reserved and the use for which it is planned. In addition, for space reserved for more than two years the ILEC shall specify the timeframe reserved.
5. For any collocation space reserved for future use under 2(g) above the ILEC shall include the date(s) space was reserved and the identity of the carrier for which it is reserved. In addition, for space reserved for more than six months, the ILEC shall specify the timeframe reserved.

6. The ILEC shall submit a detailed description of any rearrangements and expansion plans, including timelines of each project in the premise for which the exemption is requested.
7. The ILEC shall provide a detailed description of any efforts or plans to avoid space exhaustion in the premise for which the exemption is requested. Such description should include the proposed timeline of any such plans.
8. To the extent that an ILEC claims that space is unavailable due to security or access constraints, an explanation of any efforts the ILEC has undertaken to overcome such constraints must be submitted.